

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

ILLINOIS UNION INSURANCE COMPANY as subrogee of CITY OF LAWRENCE	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION
v.	)	
	)	NO. 04-10475 MLW/LTS
THE VIKING CORPORATION	)	
	)	
Defendant.	)	

**JOINT MOTION FOR STAY OF DISCOVERY PENDING MEDIATION**

Pursuant to Fed. R. Civ. P. 7 and L.R. 7.1, Plaintiff Illinois Union Insurance Company (“Illinois Union”) and Defendant The Viking Corporation (“Viking Corporation”) jointly move the Court to stay the discovery period and the remaining deadlines in the *Third Amended Joint Discovery Conference Report* for ninety (90) days pending mediation of this case. In support of this motion, the parties jointly state as follows:

1. Based on the discovery taken to date and the Rule 30(b)(6) deposition of the City of Lawrence scheduled to take place on March 7, 2006 following the production of documents, the parties agree that mediation is appropriate at this time.
2. The mediation will take place within ninety (90) days of the Court granting this motion.
3. The mediation will take place after an informal exchange of expert opinions and the bases therefor. Illinois Union will make its expert disclosure within forty-five (30) days of the Court granting this motion and Viking Corporation will make its expert disclosure within sixty (60) days of the Court granting this motion.

4. The parties will use a private mediator and will equally pay any costs associated with such mediation.

5. This mediation will serve the interests of justice and judicial efficiency and, at a minimum, will serve to resolve and/or narrow issues of dispute among the parties.

WHEREFORE, Illinois Union and Viking Corporation jointly request the Court to:

- (a) Stay discovery and the remaining deadlines in the *Third Amended Joint Discovery Conference Report* for ninety (90) days pending mediation; and
- (b) Grant all such other relief the Court deems just and appropriate.

Respectfully submitted,

Plaintiff Illinois Union Insurance Company  
as subrogee of City of Lawrence,  
By Its Attorneys,

/s/ James P. Cullen, Jr. (w/ permission)

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Dated: February 17, 2006

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Respectfully submitted,

Defendant Viking Corporation  
By Its Attorneys,

/s/ Gina M. McCreadie

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Gina M. McCreadie, Esquire (BBO #661107)  
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Dated: February 17, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing *Joint Motion to Stay Discovery Pending Mediation* was filed with the *Third Amended Discovery Conference Report*, which was filed electronically with the Court through the Electronic Case Files system on February 17, 2006, will be sent electronically to registered counsel of record as identified on the Notice of Electronic Filing (“NEF”).

/s/ Gina M. McCreadie  
Gina M. McCreadie